

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff,

v.

USASF Servicing, LLC,

Defendant.

Case No. 1:23-cv-03433-VMC

**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT
AGAINST DEFENDANT**

1. Plaintiff, the Consumer Financial Protection Bureau, moves for entry of default against Defendant, USASF Servicing, LLC, pursuant to Federal Rule of Civil Procedure 55(a), and as grounds therefore states that:

2. On August 2, 2023, Plaintiff filed its complaint in this action. ECF No. 1.

3. On August 3, 2023, the summons and complaint were served on Defendant by personal service on its registered agent authorized to accept service under Federal Rule of Civil Procedure 4. ECF No. 4.

4. Defendant's answer was due on August 24, 2023. *Id.* (noted in the docket text). *See also* Fed. R. Civ. P. 12(a) (A defendant shall serve a responsive pleading within 21 days after the service of the summons and complaint.)

5. On September 11, 2023, Defendant filed a suggestion of bankruptcy to notify the Court of its August 25, 2023 filing of a voluntary petition for relief under Chapter 7 of Title 11 of the United States Bankruptcy Code. *See* ECF No. 5. Defendant also asserted that certain judicial actions are stayed by the filing of its bankruptcy petition. *Id.* at 1.

6. On September 13, 2023, Plaintiff filed a response to the suggestion of bankruptcy to explain that this action is excepted from the automatic stay under 11 U.S.C. § 362(b)(4) because it is an exercise of the Bureau's "police and regulatory power," which allows this proceeding to continue up to and including entry of a monetary judgment. ECF No. 6.

7. Defendant has not made an appearance in this action. ECF No. 5 at 1 (Counsel "does not represent the Debtor in this lawsuit, and this letter is not intended as an appearance as counsel for the Debtor in this lawsuit.").

8. Defendant has failed to answer or otherwise defend against the complaint within the time permitted by law. Entry of default should therefore be entered. *See* Fed. R. Civ. P. 55(a); *In re Knight*, 833 F.2d 1515, 1516 (11th Cir.

1987) (entry of default appropriate where defendant failed to file an answer within allowed time).

Dated: October 5, 2023

Respectfully Submitted,

Consumer Financial Protection Bureau

ERIC HALPERIN
Enforcement Director

RICHA S. DASGUPTA
Deputy Enforcement Director

MICHAEL POSNER
Assistant Deputy Enforcement Director



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CERTIFICATE OF SERVICE

I hereby certify that, on October 5, 2023, the foregoing Plaintiff's Motion for Entry of Default was mailed by United States Postal Service to the Defendant:

USASF Servicing, LLC
CT Corporation System, Registered Agent, Authorized to
accept service under F.R.C.P. Rule 4
289 S Culver St, Lawrenceville, GA 30046

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